

FILED

NOT FOR PUBLICATION

FEB 21 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

AZUCENA DAZA LUNTAO;
EDUARDO DANIEL LUNTAO,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75559

Agency Nos. A71-954-373
A71-954-374

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Azucena Daza Luntao and her husband Eduardo Daniel Luntao, natives and
citizens of the Philippines, petition for review of the Board of Immigration
Appeals' summary affirmance of the Immigration Judge's denial of their

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

applications for asylum, withholding of deportation, and relief under the Convention Against Torture (“CAT”). Reviewing legal questions de novo and factual findings under the substantial evidence standard, *see Cruz-Navarro v. INS*, 232 F.3d 1024, 1028 (9th Cir. 2000), we deny the petition.

The record does not compel a finding of past persecution, or a well-founded fear of future persecution, on account of an enumerated ground. Therefore, substantial evidence supports the IJ’s denial of the Luntaos’ asylum and withholding of deportation claims. *Id.* at 1029-31.

Nor does the record compel the conclusion that it is more likely than not that the Luntaos would be tortured if returned to the Philippines, and they are therefore ineligible for CAT relief. *See Singh v. Ashcroft*, 351 F.3d 435, 443 (9th Cir. 2003).

Pursuant to *Elian v. Ashcroft*, 370 F.3d 897 (9th Cir. 2004), the Luntaos’ voluntary departure period will recommence upon issuance of this court’s mandate.

PETITION FOR REVIEW DENIED